S.B. CIVIL MISC. APPEAL NO. 16/2001
S.B. CIVIL MISC. APPEAL NO. 18/2001

Date : 19.04.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Rajesh Panwar for the appellant.
Mr. Varun Gupta for the respondent.

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Heard.

These two appeals arise out of the same accident and therefore, they are being decided by a common judgment.

In the appeal of Kuldeep Vyas being S.B.Civil Misc. Appeal No.16/2001, the claimant is alleged to have sustained a fracture of right femur bone. The Tribunal has awarded a sum of Rs. 10,000/- for pain and suffering. This amount is not considered to be an appropriate amount because as and when a person sustains fracture in his femur bone, then the vital organ of body i.e. leg gets affected. As and when any effective work is required to be taken from right leg, he suffers through out. The amount of Rs.10,000/- awarded for pain and suffering is considered to be grossly insufficient and same deserves to be enhanced to Rs.50,000/-. All other grants made in favour of the claimant are not disturbed. The Tribunal will issue a fresh award treating the amount of Rs. 10,000/- enhanced to Rs.50,000/-for pain and suffering. No other point was urged except the question of enhancement of the award.

In the appeal of Jagdish Chandra being S.B. Civil Misc. Appeal

No. 18/2001, the injured has suffered fracture in his right femur and breaking of two teeth due to the accident. The deformity as has been adjudged by the tribunal is to the extent of 60%. The injured has been awarded Rs.10,000/- for pain and suffering which is grossly insufficient because he has remained hospitalized for about 92 days. For fracture of leg and that of the extraction of teeth, the amount of Rs.10,000/- cannot be considered to be an appropriate amount. The same is required to be enhanced. For fractured leg, an amount of Rs.50,000/- is awarded. Since the claimant has also suffered extraction of two teeth spoiling his valuable asset of expressive face by dis-figuration, an amount of Rs. 10,000/- is required to be awarded for that injury. Thus, the total award is enhanced to Rs. 60,000/- for pain and suffering. Rest of the award is not touched. The tribunal will issue a fresh award.

With the aforesaid modifications, the appeals are partly allowed.

(BHAGWATI PRASAD), J.

bjsh